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December 28, 2021

**VIA ECF**

The Honorable Analisa Torres  
United States District Judge  
The Honorable James L. Cott  
United States Magistrate Judge, S.D.N.Y.  
500 Pearl Street, Room 1360  
United States Court House  
New York, NY 10007

**Re: *Tom Hussey Photography, LLC v. BDG Media, Inc.***  
**C.A. No. 21-cv-03514-AT-JC**

Dear Judge Torres and Judge Cott:

On behalf of Plaintiff Tom Hussey Photography, LLC, I write to request leave to file Exhibit A to its Letter Motion seeking to reopen the case for the purpose of permitting plaintiff to seek enforcement of the parties' settlement agreement under seal. That Exhibit is a copy of the final written Settlement Agreement as executed by the plaintiff, but not yet countersigned and returned by the defendant despite (as set forth in plaintiff's letter motion) defendant's agreement to its terms.

This request is submitted out of an abundance of caution. Section 8 of the Settlement Agreement sets forth a confidentiality provision, which includes, at subsection (b), an exception for disclosures "as necessary in connection with any proceeding to enforce the terms of this Agreement." Plaintiff believes that its letter motion meets that exception and notes that the Court's November 10, 2021, Order requiring that any settlement agreement be filed with the Court should the parties request that it exercise jurisdiction to enforce its terms. Should the Court believe that it is not appropriate to place the Settlement Agreement under seal in these circumstances, plaintiff has no objection to its being filed on the public record. Plaintiff submits this request in order to give the defendant an opportunity to assert its own position in those circumstances.

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Honorable Analisa Torres  
Honorable James L. Cott  
December 28, 2021

Duane Morris

Sincerely,

  
Steven M. Cowley

cc: All Counsel of Record (via ECF)